

layer is substantially coextensive with the bottle wall. Also, the Examples refer to the production of multilayer films on a Randcastle extruder, which one of ordinary skill in the art would conclude involves substantially coextensive coextrusion, absent teaching to the contrary.

Further, one of ordinary skill in the art would recognize the inner layer as providing substantially all of the interior surface of the rigid container. At p. 11, lines 2-23, the specification discusses multilayer structures wherein the inner and outer layers comprise polymers such as PET. One of ordinary skill in the art would recognize that a single layer of such polymers can provide an entire bottle structure, which necessarily requires that substantially all of the interior surface of a bottle structure is provided by the single layer of such polymer.

The addition of a core layer and an outer layer in a multilayer structure as presently claimed would be understood, absent explicit teaching to the contrary, to not change the presumption that substantially all of the interior surface of a bottle structure is provided by the inner layer comprising a polymer such as PET, among others.

Ching, in contrast, shows containers wherein only a portion of the interior surface of the rigid container is provided by the inner layer of a multilayer structure comprising an oxygen scavenging core layer (Ching, Figs. 3-4). Further, Fig. 1 of Ching shows a ribbon wherein an oxygen scavenging core layer is in contact with only one layer and that one layer does not provide substantially all of the interior surface of the container. The use of the term "ribbon" by Ching, as opposed to "layer," further emphasizes that one of ordinary skill in the art would interpret "layer" in the present claims as discussed above.

Nordstrom only discloses polymers comprising cyclohexenyl moieties, and does not teach or suggest containers comprising the multilayer structure recited in claim 1. Because neither reference teaches or suggests the multilayer structure recited in claim 1, their

combination cannot teach the structure either, and claims 1-12 and 16-17 are patentable over Ching and Nordstrom.

Second, claims 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ching and Nordstrom, further in view of Katsumoto et al., U.S. Pat. No. 6,139,770 ("Katsumoto"). The references are as discussed in Paper No. 8. Applicants respectfully traverse this rejection.

Katsumoto was cited by the Examiner because it discusses photoinitiators, and supplements Ching and Nordstrom in this regard. However, Katsumoto neither teaches nor suggests a multilayer rigid container as presently claimed, and for the reasons discussed above, its combination with either or both of Ching and Nordstrom cannot teach or suggest the multilayer rigid container either. Therefore, this rejection of claims 13-15 should be withdrawn.

3. Summary

In conclusion, Applicants believe all pending claims 1-17 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Raymund F. Eich
Reg. No. 42,508

AGENT FOR APPLICANTS

WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-4065
(713) 934-7011 (fax)